

**Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Regular Meeting Minutes
April 1, 2015
7:30 PM**

1. Call to Order

Chairperson DiMura called the meeting to order at 7:38pm.

2. Open Public Meeting Act Statement

Chairperson DiMura read the Open Public Meeting Act Statement.

3. Roll Call

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Ron DiMura Dec/2017 [present]	Anthony Thompson Dec/2018 [absent]
Phil Lopa Dec/2015 [present]	Anthony Vietri Dec/2015 [present]
Joseph McNulty Dec/2016 [present]	Sean Johnson Dec/2015 [present]

Also present were: Board Attorney- Ms. Joan Dowling
Board Engineer- Mr. Robert Bucco Jr.
Board Planner- Mr. Uzo Ahairakwe

4. Minutes

Member Lopa made a motion to approve the minutes from the March 18, 2015 meeting, seconded by Member Anello. Vote: Member Anello-yes, Chairperson DiMura-yes, Member McNulty- abstain, Member Vietri-yes, Member Lopa- yes, Member Johnson-yes. Motion passed.

5. Old Business

**Z2015-01
MBKS LLC
102 South Ave.
Block 287 Lot 6**

Memorialize Resolution

Member Anello made a motion to accept the Resolution stating that the applicant needed to apply for a variance, seconded by Member Lopa. Vote: Member Anello-yes, Member DiMura-yes, Member McNulty- abstain, Member Vietri-yes, Member Lopa-yes, Member Johnson- abstain. Motion passed.

6. New Business

**Z2014-06
New York SMSA Lmtd.
dba Verizon Wireless
201 Lincoln Blvd
Block 132 Lot 1 and 1.01**

Use Variance

Mr. Reginald Jenkins stated that he was the Attorney for New York SMSA Limited Partnership dba Verizon Wireless.

Mr. Jenkins stated the following about the application:

- that the building is located at 201 Lincoln Blvd
- building is a two story building located in the CLW zone
- small node antenna supported by 2 cabinets would be installed at the site
- a concrete pad would also be installed
- No generator but there is a generator outlet on the site

Mr. Jenkins stated this application is considered a D Variance or a use variance due to the Borough's Ordinance.

Mr. Jenkins placed two Exhibits on the easel and referred to the photographs as Exhibit A1 and Exhibit A2.

Mr. Jenkins described the two photographs in Exhibit A1, there are two photographs, the left photograph shows the property as it currently exists, the right photograph shows the property with photo simulation with the antenna on the property.

Mr. Jenkins described the two photographs is Exhibit A2, there are two photographs, the left photograph shows the property from the east view, the right photograph shows the property also from the east view but a closer view.

Mr. Jenkins stated that you won't be able to see the antenna.

Ms. Dowling suggested that the waivers be reviewed.

The Board started to review the waivers from the March 4, 2015 Engineer's report.

The Engineer stated that he had no objections to granting waivers for items 2, 4, 5, and 6.

Mr. Bucco asked if either the applicant's Engineer or Attorney provide testimony regarding waivers for items 7, 8, and 9.

The waiver requested for item #10 pertaining to site lighting was questioned.

Ms. Dowling duly swore in Mr. James Murawski 16 Sweetwood Ct. Parsippany NJ 07054.

Mr. Murawski stated his education and credentials as an engineer.

The Board accepted Mr. Murawski as an expert witness.

Mr. Murawski explained the waiver regarding site lighting. Mr. Murawski handed the Board of copy of site sheet SP-4 Lighting and Planting Plan dated 9-23-05 with revision date 4-20-06 prepared by the Reynold's Group.

Site plan sheet SP4 dated 9-23-05 with revision date 4-20-06 was entered as Exhibit A3(4-1-15)

Mr. Murawski explained that the current application has no affect on the previously approved and existing site lighting.

The Board Engineer was satisfied with previously approved site lighting and had no objections to granting this waiver.

The Board reviewed waivers 11,12, and 13 and they had no objections to these waivers being granted.

Mr. Murawski reviewed the site plan and stated the following:

- property address is 201 Lincoln Blvd.
- the address consists of two lots under common ownership
- site is located in the CLW zone
- stated the square footage of both lots
- described the chain link fence
- currently 74 parking spaces and 2 handicapped parking spaces at site
- a third handicapped space can be provided to meet ADA requirements
- areas of the building that the equipment will be attached
- described the equipment and antenna(with dimensions)
- described concrete pad
- explained the elevation antenna details
- height of the antenna is 38ft requiring a variance
- explained the construction details
- stated the setbacks from the roadway to the equipment as 87 ft from B St. and 100ft from Chestnut St.
- unmanned site, would be serviced every 4 to 6 weeks by a technician

Member Lopa questioned the antenna area capacity.

Mr. Murawski explained the radio frequencies used.

Member McNulty questioned if the frequency from the antenna would affect the Pierce Fire House Communications.

Mr. Murawski explained that it would not affect the communications.

Member Vietri questioned the signal over the building and how would the communications be impacted if another large building (4 story apartment building) would be built across the street.

Mr. Jenkins stated that he is RF Engineer would be able to answer that question.

Member Anello questioned if the antenna cables would be masked/camouflaged.

Mr. Murawski stated that they could be painted.

Ms. Dowling duly swore in Mr. David Stern, 2540 U.S. Hwy 130, Cranberry, NJ.

Mr. Stern stated that he is a RF Engineer for V Comm Telecomm, stated his education and credentials.

The Board accepted Mr. Stern as an expert witness.

Mr. Stern explained to the Board Members the FCC licenses and different frequency ranges/levels.

Mr. Stern explained the need for the new site for Verizon in developing the 4G Broadband data network.

Mr. Stern explained the capacity and the surrounding macro sites that are designed to provide service.

Mr. Stern entered Exhibit A4(4-1-15) NYSMA limited Partnership Best Server Colored Map.

Mr. Stern used Exhibit A4 to explain the cell sites coverage in Piscataway, Greenbrook, and Middlesex.

Mr. Stern explained the effect that the apartment building in Bound Brook had on service.

Mr. Stern entered Exhibit A5(4-1-15) Best Server Map and used this Exhibit to show the additional service with the proposed site turned on.

Mr. Stern entered Exhibit A6(4-1-15) Gamma Sector Traffic History showing the measured network traffic with the third busiest hour.

Mr. Jenkins questioned Mr. Stern regarding compliance with fire department.

Mr. Stern stated that if there ever was a problem the FCC has a regulation that Verizon has 24 hours to address the problem.

Member Anello questioned the frequency ranges used by Verizon.

Ms. Dowling questioned Mr. Stern regarding Exhibit A6(4-1-15) regarding the blue and gold colors.

Mr. Stern clarified what each color meant.

Chairperson DiMura questioned Mr. Stern regarding the service, due to the fact, that directly across the street a 4 story apartment building is due to be constructed.

Mr. Stern stated that this proposed site is a perfect fit to serve its purpose for new traffic and that the new traffic usage from the apartment building will be serviced by the cell site at 201 Lincoln Blvd.

Ms. Dowling duly swore in Mr. David Karlebach, 689 Marin Blvd, Jersey City.

Mr. Karlebach gave his education and credentials as a Planner.

The Board accepted Mr. Karlebach as an expert witness.

Mr. Karlebach reviewed photograph Exhibits A1 and A2 and stated the existing conditions of the property such as the size of the property to allow for larger buffer area and longer setbacks.

Mr. Karlebach referred to the process of statutory proofs of granting variances and explained a 4 step balancing test: public interest, any detrimental effects, reasonable conditions, detriment to public good. He gave reasons to support granting the variance.

Chairperson DiMura asked the Board Planner, Mr. Uzo Ahairakwe for his comments.

Mr. Ahairakwe referred to the Cole Associates letter dated March 11, 2015.

Mr. Ahairakwe stated the ADA accessible parking is deficient by one parking space, and would like to see dumpster screening.

The Board discussed the previous site plan approval regarding the two handicapped parking spaces.

Mr. Bucco stated that there may have been different requirements in 2006.

Mr. Uzo Ahairakwe and Mr. Karlebach disagreed if the Board could grant a waiver for a ADA handicapped parking space.

After a discussion, Mr. Jenkins stated that the applicant will add the third handicapped parking space.

Member McNulty asked if Verizon has a lease agreement with the owner of the property.

Member Lopa stated he was in favor of granting the variance.

Member Vietri stated that he was in favor of granting the variance.

Member McNulty asked questions about the certifications and merging the lot that was stated in the planner's report.

After a lengthy discussion and explanation the lots will not be merged.

Member McNulty stated that he was in favor of granting the variance.

Member Anello stated that he was in favor of granting the variance because it benefits the public.

Member Johnson stated that he was in favor of granting the variance because the project benefits the public.

Chairperson DiMura stated that he also was in favor of the project.

After a brief discussion the Board decided to vote on the application that night and then would memorialize the resolution on April 15, 2015.

Member Lopa made a motion to grant SMSA Limited dba Verizon the use variance with the waivers except for the handicapped parking space and also grant the variances associated in conjunction with this application. Vote: Member Anello-yes, Chairperson DiMura-yes, Member McNulty –yes, Member Vietri-yes, Member Lopa-yes, Member Johnson-yes. Motion passed.

There being no further business Member Anello made a motion to adjourn the meeting at 10:20pm, seconded by Member Vietri. Vote: All in favor. Meeting adjourned.

Secretary

Clerk